

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION NO. 1:16-cv-992 (WOB-KLL)

WARREN PARKS

PETITIONER

VS.

JUDGMENT

WARDEN, CORRECTIONAL
INDUSTRIES FACILITY

RESPONDENT

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. 2), and having considered *de novo* those objections filed thereto by Petitioner (Doc. 3), and the Court being sufficiently advised,

IT IS ORDERED that the Report and Recommendation (Doc. 2) be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), is **DISMISSED** with prejudice on the grounds that this Court lacks jurisdiction to consider it. A certificate of appealability shall not issue because petitioner had not stated a "viable claim of the denial of a constitutional right", nor are the issues presented "adequately to deserve encouragement to proceed further." 3) Pursuant to 28 U.S.C. § 1915(a)(3), any application by petitioner to proceed on appeal *in forma pauperis* of this

judgment would not be taken in "good faith," and therefore, would be **DENIED** upon a showing of financial necessity.

This 2nd day of December, 2016.



Signed By:

William O. Bertelsman *WOB*

United States District Judge